

REMARKS

In the May 22, 2007 Office Action, the Examiner rejected claims 1-22 and 25-32 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0111360 to Albanese, rejected claims 1 and 31 under §102(e) as being anticipated by U.S. Patent Application Publication Number 2004/0002348 to Fraccaroli, and rejected claims 23-24 under 35 U.S.C. §103(a) as being unpatentable over Albanese. In this Preliminary Amendment, several typographical errors in claim 1 have been corrected. Applicants respectfully traverse the Examiner's rejections.

With respect to the rejections based upon Albanese, Applicants have submitted with this preliminary amendment the Rule 1.131 Affidavit of Charles L. Jackson. The Examiner has cited Albanese as prior art under §102(e) based upon the fact that Albanese was filed on July 14, 2003. As discussed in the Rule 1.131 Affidavit of Charles L. Jackson, Applicants conception of the invention of the present application preceded the filing date of Albanese by several months. Accordingly, Albanese does not qualify as prior art under §102(e) and the rejections based upon Albanese should be withdrawn.

With respect to the rejections based upon Fraccaroli, claim 1 of the present invention recites "means for calculating an affinity value; means for calculating a scaled distance; [and] means for calculating a combined match value as a function of both said affinity value and said scaled distance." Claim 31 recites the step of "calculating a combined match value as a function of both said affinity value and said scaled distance." Nothing in Fraccaroli, or for that matter Albanese, teaches or suggests calculating the claimed combined match value. By calculating such combined match values, the system is able to identify as a match both a geographically close person having only a moderate affinity correlation and a geographically

distant person having high affinity correlation. Fraccaroli appears to teach away from such a system. Specifically, in one embodiment, Fraccaroli teaches a system that looks for a match based upon a specific affinity threshold within a specific distance of the user. If the no matches are found, the Fraccaroli system then expands the region of search still using the same affinity threshold. (See Fraccaroli paragraph [0051].) In another embodiment, Fraccaroli appears to set distinct locations and then each time a user enters that location, the system searches for matches within that location. (See Fraccaroli paragraph [0055].) While Fraccaroli permits the user to set the location size and time windows (see paragraph [0054]), it does not disclose or suggest that the system calculates a combined match value.

Even if Albanese did constitute prior art, these same arguments would apply to Albanese. Specifically, the Examiner has focused on the statement in Albanese at paragraph [0072] that “comparing algorithms are performed for the gain of users, and are performed as wide in time and geographic location as both profiles permit.” This disclosure in Albanese does not disclose or suggest the calculation of the combined match value, as recited in the pending claims of the present application. Rather it simply reflects the fact that the users in Albanese can set a geographic region and a time in window in which searches for matches are performed using standard matching algorithms. It does not suggest that a combined match value is calculated.


Conclusion

For at least the foregoing reasons, Applicants respectfully submit that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If any other fees are due in connection with this application, including those for the new claims and any necessary extension of time, such fees may be charged to PTO Deposit Account 50-2837.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Timothy R. DeWitt", written over a horizontal line.

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